IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

TUESDAY, THE TWENTY SECOND DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MRS JUSTICE T.MEENA KUMARI

and
THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT APPEAL NO : 266 of 2005

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 17/01/2005 in WP NO : 21305 OF 2002 on the file of the High Court.)

Between:

1 Tranmission Corporation of A.P., rep by its Joint Managing Director (Rev &.HRD), Vidyuth Soudha, Hyderabad.
2 The Additional Secretary, Transmission Corporation of A.P. Vidyuth Soudha, Hyderabad.
3 The Superintendent Engineer (TLC) Transmission Corporation of A.P. Cuddapah.

..... APPELLANTS

AND

1 J. Kiranmaye, D/o. J. Basavaiah, Minor,
rep.by her natural father and guardian E. Srinivasa Rao, S/o. Bhupalaiah, R/o. Satuluru, Nadendla Mandal, Guntur District.
2 J. Anjaiah, S/o. Kotaiah,
R/o. Mulpur Village, Amruthalur Mandal, Guntur District.

.....RESPONDENTS

Counsel for the Appellants: MR.SAMINENI KISHORE

Counsel for the Respondents: MR.SUBBA RAO KORRAPATI

The Court at the stage of admission, made the following

JUDGMENT: (per the Hon'ble Smt.Justice T.MEENA KUMARI)

The Writ Appeal is filed by the appellants-respondents against the Order dated 17.01.2005 in Writ Petition No.21305 of 2002 passed by a learned single Judge of this Court.

For the sake of convenience, the parties are referred to as they are arrayed in the writ petition.

The Writ Petition was filed by the petitioners to declare the memo No.DS(Estt)/AS(pen)/PO.I.J1/11/2002 dated 30.09.2002 of the 2nd respondent as arbitrary, illegal and contrary to the Pension Code and for a consequential direction to the respondents to pay the terminal benefits to the first petitioner. It is alleged in the writ petition that the first petitioner was taken in adoption by one J.Basavaiah, who was working as an Assistant Engineer in the respondent-Corporation. The said Basavaiah opted for voluntary retirement on health grounds on 28-8-2000 and his request was accepted with effect from 16-7-2000. Ultimately he died on 26-4-2002. Thereafter, the second respondent directed the third respondent to obtain a revised legal heir certificate duly noting the name of the father of late Basavaiah for sanctioning the terminal benefits since the first petitioner is not eligible for the terminal benefits. Hence the writ petition.

The learned single Judge after considering the material available on record held that the deceased J.Basavaiah has nominated the 1st petitioner in the nomination form. That apart, the claim of the 1st petitioner that she is the adoptive daughter of the deceased is supported by legal adoption deed, which was registered. In view of the clear nomination, the learned single Judge thought it fit not to go into the other

objections raised in the impugned order.

The aforementioned view taken by the learned single Judge, in our view, cannot be faulted inasmuch as late Basavaiah has clearly indicated the name of the first petitioner in the nomination papers with regard to the terminal benefits and coupled with the fact that there is no claim emanating from either the father of late Basavaiah or any other legal heirs for the terminal benefits of late Basavaiah.

The Writ Appeal is devoid of any merit and it is accordingly dismissed.

(T.MEENA KUMARI, J)

(S.ANANDA REDDY, J)

Dt: 22.02.2005

bsv/lvl

To

1. The Joint Managing Director, Transmission Corporation of A.P.,

(Rev.HRD), Vidyuth Soudha, Hyderabad.
2 The Additional Secretary, Transmission Corporation of A.P. Vidyuth

Soudha, Hyderabad.
3 The Superintendent Engineer (TLC) Transmission Corporation of A.P.

Cuddapah.

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